

EXHIBIT 37

Verduyn, Steve

From: Malicki, Mike
Sent: Tuesday, August 12, 2003 9:50 AM
To: Contois, Al; Verduyn, Steve
Cc: Hall, Dave
Subject: RE: Lee Custom Cycle

Agree!

Thank-You and God Bless America

M. G. Malicki

Director of Field Operations

-----Original Message-----

From: Contois, Al
Sent: Monday, August 11, 2003 3:43 PM
To: Verduyn, Steve
Cc: Malicki, Mike; Hall, Dave
Subject: RE: Lee Custom Cycle

Steve,

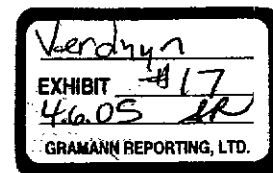
My suggestion would be to send a Dear Dealer Letter to both dealers requesting the paperwork for these 3 deals to verify that they completed the paperwork properly. Assuming that they did, at the very least, they will both know that we do check these out when we find them and from here on out selling a vehicle to these non-retailers in the future could reduce there allocation.

Thanks,

Al

-----Original Message-----

From: Verduyn, Steve
Sent: Monday, August 11, 2003 1:58 PM
To: Contois, Al
Cc: Malicki, Mike; Hall, Dave
Subject: RE: Lee Custom Cycle



With a little digging, I found all three.

FXSTI sold 07/24/03 to Robert Issa Nottingham, NH by 1864 Everett, MA
(1HD1BVB143Y106103)
FXSTBI sold 01/27/03 to Raymond J. Smith Jr. of South Hadley, MA by 3630 Akron, OH
(1HD1JAB123Y041795)
FLSTF sold 07/25/03 to Jeffrey Christiansen of Lee, NH by 1864 Everett, MA
(1HD1BMY453Y052113)
If memory serves, Lee Cycle is owned in part or fully by Ray Smith. We have had problems with that individual before. He tends to go from dealer to dealer and buy one/two bikes. Not necessarily much to raise dealer suspicion, but he ends up with a lot of bikes.

11/12/2004

H-D 1855
Confidential

I cross checked the Boston sales for multiple purchases and found nothing. It is possible that these are "ghost" deals.

Advise how you want to proceed.....

Steve

-----Original Message-----

From: Contois, Al
Sent: Monday, August 11, 2003 11:30 AM
To: Verduyn, Steve
Subject: FW: Lee Custom Cycle

Steve,

Here you go. Thanks!!!!!!

-----Original Message-----

From: Ed Moulton [mailto:EMoulton@SeacoastHarley.com]
Sent: Saturday, August 09, 2003 11:17 AM
To: Contois, Al
Subject: Lee Custom Cycle

Al -

Below are three bikes that my friend picked up on in the showroom of Lee Custom Cycle,
as I said they had electrical tape covering VIN but salesman had to go answer phone
and he pulled tape back to get numbers...

FXSTI	BLK	106103
FXSTBI	GUN	041795
FLSTF	BLK/SLV	052113

Thanks.... Ed

8/9/03 Channel 9 is running ads today for Lee Custom Cycle "We have NEW 03
Harley-Davidson's in stock"....

Time for you to do your thing...

Thanks again.....Ed

H-D 1856
Confidential

11/12/2004

EXHIBIT 38

District Number:		01		2000 Bar and Shield Scoresheet				Dealer Number:		1864		
		Fax Response to: Shelly Tighe or Michelle Oppermann 414 343-8906						Last Updated:		9/12/00		
Score	Max	A. Operations				Score	Max	C. Customer Service				
80	80	1 Submitted Qtrly Financial Statements Electronically:				4	70	70	1 Hrs of Operation-Retail			
							70	70	2 Hrs of Operation-Service			
20	20	2 5 Yr. Business Plan:				7/31/00	30	30	3 H-D Direct Mail Motor P&A:			
50	50	3 Dealer Documents Complete & Verified:				Y	30	30	General Merchandise			
							15	15	General Merchandise Additional:			
20	20	4 Maintained Computer Inventory Management:				Y	20	20	4 H-D Demo Program:			
							20	20	5 Maintain Active Hog Chapter			
40	40	5 Submitted Electronic 100% Warr Claims:				Y	20	20	6 Co-op Advertising: Rolling 6 Month			
40	40	6 Submitted Electronic 90% SWR Forms:				Y			Co-op Advertising: MDF			
10	10	7 Electronic Inv Rptg & Retail Poling:				Y	70	70	7 Radio Events			
40	40	8 Place 90% P&A (RG,TA,NDA,SO,SE,DV)				Y			TV Events			
20	20	9 Participated in Sample Program:				Y			Direct Mail - Non H-D Catalog Pgm			
320	320	Operations Totals							Billboard (Except from timebound req.)			
							20	20	8 Open House H-D National			
							20	20	Held Annual Open House Date:			
Score	Max	B. People					20	20	9 Web Site Linked From H-D Site			
		1 Meet Guidelines for Staffing Levels:					20	20	10 In Dealer Financing/Ext Warranty/Ins			
30	30	Vehicle Sales				Y	40	40	11 Service Follow-up Program			
30	30	P&A General Merchandise				Y	20	20	Customer Service Totals			
30	30	Service				Y	465	465				
30	30	Management/Admin./Office				Y						
40	40	2 Technicians Enroll In Tech Rec Program				Y	Score	Max	D. Facility			
40	40	3 P&A staff current on all PACE Tapes:				Y	40	40	1 Location: Acceptable:			
40	40	4 Parts or Service Management Training:				4	20	20	2 Current 3x24 or approved Signage			
10	10	5 Attendee at HD Credit F&I Seminar:				Y	20	20	Signage:Current Bar & Shield:			
10	10	6 Shop Talk Parts and Service Training				Y	30	30	3 Appearance/Cleanliness:			
20	20	7 Provided Current Job Descriptions:				Y	20	20	4 Approved Retail Environment			
20	20	8 Provided Written Employee Handbook:				Y	40	40	5 Total Facility Size:			
20	20	9 Provided Written Compensation Plan:				Y	40	40	6 Showroom Size:			
20	20	10 Attended 2001 MY Announcement Mtg.					40	40	7 Service Dept:			
		Employee Name:					20	20	8 Customer Parking:			
		John Atwood					270	270	Facilities Totals			
20	20	11 Attended 2000 MY DOT										
		Employee Name:					Score	Max	E. Performance			
		John Atwood					30	30	1 Accepted 2000 MY SUA: Big Twin			
20	20	12 Attend Dealer Operations Training					10	10	Accepted 2000 MY SUA: Sportster			
		Employee Name:					50	50	2 Retailed 2000 MY SUA:			
		R. Cappucci					25		3 Inc. Net Wholesale P&A/Gen Merch:			
20	20	13 Attended 2000 Winter Meeting Expo:					30	40	4 2000 MY Net Wholesale Motor Parts:			
		Employee Name:					30	40	5 2000 MY Net Wholesale Gen Merch:			
		Debbie Leone					150	195	Performance Totals			
10	10	14 Attended 2000 Spring Town Hall Mtg:										
		Employee Name:					Score	Max	F. CSI			
		JOHN ATWOOD					130	200	1 One Month Sales Summary:			
410	410	People Totals					46	200	2 18 Month Service Summary:			
							176	400	CSI Total			

For further detailed information, please refer to the 2000 Model Year Bar & Shield Evaluation Worksheets Rationale & Criteria Book

Bar & Shield Totals			
Net Max (Sections A-E)	1,660	Gross Max (Sections A-F)	2,060
Net Score (Sections A-E)	1,615	Gross Score (Sections A-F)	1,791

Dealer Signature:  Date: 9/29/00DM Signature:  Date: 9/29/00H-D 0532
Confidential

District Number:		01		2001 Bar and Shield Scoresheet				Dealer Number:		1864	
Last Viewed or Printed				9/13/2001				Last Updated:		9/4/2001	
Score	Max	A. Operations				Score	Max	C. Customer Service			
30	40	1	Electronic Qtrly Financial Statements		3	60	60	1	Retail Hours		3120
40	40	2	CPA Prepared Annual FS.		Y	20	60	2	Service Hours		2624
20	20	3	5 Yr. Business Plan		7/26/2001	30	30	3	H-D Direct Mail: Motor P&A		Y
20	20	4	Computer Inventory & Order Mgmt.		Y	30	30		General Merchandise		Y
40	40	5	Electronic Warranty Claim, SWR, P&A Orders		Y	20	20	4	H-D Demo Program:		Y
						20	20	5	Hog Chapter		Y
20	20	6	Inventory Reporting & Retail Polling		Y	10	10	6	Use Co-op or MDF Advertising		Y
40	40	7	Access to h-dact.com by 03/31/2001		Y	120	120	7	Radio Events		12
20	20	8	Participated in Sample Program		Y				TV Events		
10	10	9	Customer Contact System		Y				Radio Events, TV		
40	40	10	Approved Fork Lift Equipment		Y				Newspaper		
									Direct Mail - Non H-D Catalog Pgm		
280	290	Operations Totals							Billboard (Exempt timebound req.)		
						20	20	8	H-D National Open House		Y
						20	20		Dealer Open House Dates:		6/2/2001
Score	Max	B. People				Score	Max	D. Facility			
30	30	1	Meet Guidelines for Staffing Levels:			40	40	9	Web Site Link by 03/31/2001		Y
30	30		Vehicle Sales		Y	40	40	10	Provide Financing/Ext Warranty/Ins		Y
30	30		P&A and General Merchandise		Y				Customer Service Totals		
30	30		Service		Y	430	470				
30	30		Management/Admin./Office		Y						
40	40	2	Service Staff PHD Trained		Y	Score	Max				
40	40	3	P&A / Gen Mds Staff FACE Trained		Y	40	40	1	Location: Acceptable:		3/1/1998
20	20	4	Management MBA Trained		2	40	40	2	Current 3x14 or approved Signage		Y
20	20	5	Attended H-D Credit F&I Seminar		Y	40	40		Signage: Current Bar & Shield:		Y
40	40	6	Job Descriptions/ Handbook/Comp. Plan		Y	40	40	3	Approved Retail Environment		3/1/1998
20	20	7	Principal or G.M. Attended 2002 MY Summer Dealer Meeting			40	40	4	Total Facility Size:		100
			Principal or G.M. Name:			40	40	5	Showroom Size:		100
			John Atwood			20	20	6	Service Dept:		100
20	20	8	Principal or G.M. Attended 2001 Winter Dealer Meeting Training					7	Customer Parking:		Y
			Principal or G.M. Name:			300	300	Facilities Totals			
			John Atwood			Score	Max	E. Performance			
20	20	9	Employee Attended 2001 WDM Expo		30	30	30	1	Accepted 2001 MY SUA: Big Twin		Y
			Employee Name:		30	30			Accepted 2001 MY SUA: Sportster		Y
			Ronda Young		50	50			Retailled 2001 MY SUA:		100
20	20	10	Principal or G.M. Attended 2001 Spring Town Hall Meeting		25	25	3	Inc. Net Wholesale P&A/Gen Merch:		21	
			Principal or G.M. Name:		40	40	4	% Net Wholesale Motor Parts:		103	
			John Atwood		30	30	5	% Net Wholesale Gen Merch:		107	
					205	205	Performance Totals				
360	360	People Totals			Score	Max	F. CSI				
					57	200	1	One Month Sales Summary:		57	
					45	200	2	18 Month Service Summary:		45	
					102	400	CSI Total				

Bar & Shield Totals			
Net Max (Sections A-E)	1,625	Gross Max (Sections A-F)	2,025
Net Score (Sections A-E)	1,575	Gross Score (Sections A-F)	1,677

Dealer Signature: John Atwood Date: 9/20/01DM Signature: [Signature] Date: 9/20/01H-D 0557
Confidential

District Number: 01		2002 Bar and Shield Scoresheet				Dealer Number: 1864			
Last Viewed or Printed 9/19/2002				Last Updated: 9/4/2002					
Score	Max	A. Operations		Score	Max	C. Customer Service			
20	40	1	Electronic Qtrly Financial Statements	20	70	70	1	Retail Hours	3172
40	40	2	CPA Prepared Annual F.S.	Y	40	70	2	Service Hours	2860
30	30	3	5 Yr. Business Plan	Y	15	15	3	H-D Direct Mail: Motor P&A	Y
20	20	4	Computer Inventory & Order Mgmt.	Y	15	15		General Merchandise	Y
40	40	5	Electronic Warranty Claim, SWR, P&A Orders 99%	Y	20	20	4	H-D Demo Program:	Y
					20	20	5	Hog Chapter	Y
20	20	6	Inventory Reporting & Retail Polling	Y	10	10	6	Use Co-op or MDF Advertising	Y
40	40	7	Access to h-dnet.com by 03/31/2002	Y	120	120	7	Radio Events	
20	20	8	Participated in Sample Program	Y				TV Events	6
40	40	9	Customer Contact System	Y				Radio Events, TV	
20	20	10	Approved Fork Lift Equipment	Y				Newspaper	
40	40	11	Maintain Prompt Payment Status	Y				Direct Mail - Non H-D Catalog Pgm	
330	350	Operations Totals						Billboard (Exempt timebound req.)	
					20	20	8	H-D National Open House	Y
Score	Max	B. People			20	20		Dealer Open House Date:	6/8/2002
30	30	1	Meet Guidelines for Staffing Levels:		40	40	9	Web Site Link by 03/31/2002	Y
30	30		Vehicle Sales	Y	40	40	10	Provide Financing/Ext Warranty/Ins	Y
30	30		P&A and General Merchandise	Y	20	20	11	Employ Digital Technician	Y
30	30		Service	Y	450	480	Customer Service Totals		
30	30		Management/Admin./Office	Y					
40	40	2	Service Staff PHD Trained	Y	Score	Max	D. Facility		
40	40	3	P&A / Gen Mdse Staff PACE Trained	Y	40	40	1	Location: Acceptable:	2/1/1998
20	20	4	Management MBA Trained	2	40	40	2	Current 3x24 or approved Signage	Y
20	20	5	Attended H-D Credit F&I Seminar	2	40	40		Signage: Current Bar & Shield:	Y
40	40	6	Job Descriptions/ Handbook/Comp. Plan	Y	40	40	3	Approved Retail Environment	2/1/1998
20	20	7	Principal or G.M. Attended 2003 MY Summer Dealer Meeting		40	40	4	Total Facility Size:	100
			Principal or G.M. Name:		40	40	5	Showroom Size:	100
			ROBIN KENNEDY		40	40	6	Service Dept:	100
20	20	8	Principal or G.M. Attended 2002 Winter Dealer Meeting Training		20	20	7	Customer Parking:	Y
			Principal or G.M. Name:		300	300	Facilities Totals		
			JOHN ATWOOD						
20	20	9	Employee Attended 2002 WDM Expo		Score	Max	E. Performance		
			Employee Name:		30	30	1	Accepted 2002 MY SUA: Big Twin	Y
			CINDY DIRUSSO		30	30		Accepted 2002 MY SUA: Sportster	Y
20	20	10	Principal or G.M. Attended 2002 Spring Town Hall Meeting		60	60	2	Retailed 2002 MY SUA:	100
			Principal or G.M. Name:		25	25	3	Inc. Net Wholesale P&A/Gen Merch:	32
			JOHN ATWOOD		40	40	4	% Net Wholesale Motor Parts:	103
					40	40	5	% Net Wholesale Gen Merch:	105
360	360	People Totals			225	225	Performance Totals		
		Bar & Shield Totals							
Net Max: 1,715				Score	Max	F. CSI			
(Sections A-E,G)				82	200	1	One Month Sales Summary:	82	
Net Score: 1,665 Net Percent Attained:				79	200	1	18 Month Service Summary	79	
(Sections A-E,G) 97.08				161	400	CSI Totals			
Gross Max: 2,135									
(Sections A-G)				Score	Max	G. Program Participation			
Gross Score: 1,826 Gross Percent Attained:					20	1	Performance Consulting		
(Sections A-G) 85.53						2	Rider's Edge		
						3	E-Commerce		
						4	Rentals		
						5	Buell Dealer		
				0	20	Participation Totals			

Dealer Signature: *[Signature]*

Date: 9/27/02

DM Signature: *[Signature]*

Date: 9/27/02

12/19/2003 14:58 6034249868

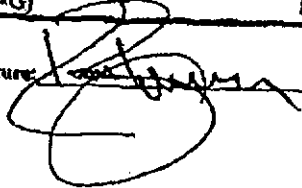

AL CONTOIS

PAGE 10

12/15/2003 17:21 6034249868

AL CONTOIS

PAGE 82

2003 Bar and Shield Scoresheet						District Number: 1					
						Dealer Number: 1864					
						Last Updated: 10/16/03					
Score	Max	A. Operations				Score	Max	C. Customer Service:			
50	60	1	Electronic Qtrly Financial Statements			10	70	70	1	Retail Hours - 2003 MY	3172
20	20	2	CPA Prepared Annual F&A			Y	70	70	2	Service Hours - 2003 MY	3484
30	30	3	Submit Summary Business Plan			Y	15	15	3	H-D Direct Mail: Motor P&A	Y
20	20	4	Computer Inventory & Order Mgmt.			Y	15	15		General Merchandise	Y
10	10	5	Maintain GDIS System Information			Y	40	40	4	H-D Demo Program:	Y
40	40	6	Provide terminals with h-dnet.com access			Y	20	20	5	Hog Chapter	Y
20	20	7	Participate in Sample Program			Y	10	10	6	Use Co-op or MDF Advertising	Y
30	30	8	Customer Contact Management System			3	120	120	7	Radio Events	6
	30	9	Maintain Prompt Payment Status			N				Newspaper	
10	10	10	Use E-Pay electronic payment system			Y				Internet	
230	270	Operations Totals								TV	
										Billboard	
Score	Max	B. People								Direct Mail	
		1	Meet Guidelines for Staffing Levels:			20	20	20	8	Dealer Open House Date:	03/17/03
30	30		Vehicle Sales			Y	20	20		Dealer Open House Date:	05/31/03
30	30		P&A			Y	40	40	9	Web Site Link from H-D site	Y
30	30		GM/Motor-Cycles			Y	30	30	10	Offer full range of P&A Services	Y
30	30		Management/Admin./Office			Y	10	10	11	Use E-Fund to resolve loan proceeds	Y
30	30		Service			29.9	20	20	12	Employ Digital Technician	N
40	40	2	Complete HDU Online Registrations			Y	480	500		Customer Service Totals	
	10	3	Complete PHD Training #164+			N					
	10	4	Complete PACE Training #544+			N					
20	20	5	Instructor-led PACE/PROSELL Training			2	40	40	1	Location: Acceptable:	02/01/98
20	20	6	Complete Approved MBA Course			2	40	40	2	Approved Exterior Signage	2
20	20	7	Attend HD Approved P&A Training			Y	40	40	3	Approved Retail Environment	07/31/03
40	40	8	Prepare current employee handbooks			Y	40	40	4	Total Facility Size:	325
20	20	9	Principal or G.M. Attended 2004 MY Summer Dealer Meeting			Y	40	40	5	Showroom Size:	113
							40	40	6	Service Dept:	121
10	10	10	Dealership Personnel attended 2004 MY Summer Dealer Meeting - EXPO			Y	20	20	7	Customer Parking:	Y
							260	260		Facilities Totals	
	20	11	Principal or G.M. Attended 2003 MY Winter Dealer Meeting DOT Training			N	30	30	1	Accepted 2001 MY Big Twin	Y
							30	30		Accepted 2001 MY Sportster	Y
							10	10		Accepted 2001 MY V-Rod	Y
10	10	12	Dealership Personnel attended 2003 MY Winter Dealer Meeting - EXPO			Y	60	60	2	Retailed 99% of 03/01/03 SUA:	100
							2	25	3	Increase purchases of P&A and GM	2
20	20	13	Principal or G.M. Attended 2003 Spring Town Hall Meeting			Y	20	40	4	Per unit % purchases of Motor Parts	89
							40	40	5	Per unit % purchases of GM	103
							192	235		Performance Totals	
390	390	People Totals									
Bar & Shield Summary - Totals											
Net Max:		1,675									
(Sections A-F)											
Net Score:		1,532		Net Percent Attained:							
(Sections A-F)				91.46							
Gross Max:		2,875									
(Sections A-G)											
Gross Score:		1,697		Gross Percent Attained:							
(Sections A-G)				81.78							
Dealer Signature:  Date: 11/15/03											
DM Signature:  Date: 12/15/03											
Score	Max	F. Program Participation									
20	20	1	Performance Consulting								
		2	Rider's Edge								
		3	E-Communes								
		4	Rentals								
		5	Buell Dealer			Y					
20	20	Participation Totals									
Score	Max	G. CSI									
83	200	1	One Month Sales Summary:			83					
82	200	1	18 Month Service Summary			82					
165	400	CSI Totals									

H-D 0607
Confidential

EXHIBIT 39

Deposition of Gene Ostrom, 5/25/2005

1 IN THE CIRCUIT COURT OF MILWAUKEE COUNTY

2 STATE OF WISCONSIN

3 CYCLE-CRAFT CO., INC. d/b/a
4 BOSTON HARLEY-DAVIDSON/BUELL,

7 vs.

Case No. 04-11402-NMG

8 HARLEY-DAVIDSON MOTOR CO., INC.
9 AND BUELL DISTRIBUTION CO., LLC.,

10 Defendant.

13 Video Deposition of GENE OSTROM

14 Wednesday, May 25th, 2005

15 11:00 a.m.

17 at

18 Gramann Reporting, LTD
19 710 N. Plankinton Ave.
20 Milwaukee, WI

21 Reported by Rose M. Coulthart, RPR

22
23
24
25

Deposition of Gene Ostrom, 5/25/2005

1 Q Any counsel that are present in the room today?

2 A Jennie Kent.

3 Q Any other counsel?

4 A Not that I can recall.

5 Q Do you recall seeing this document before that
6 meeting?

7 A No, not that I can recall.

8 Q Do you recall if there was a cover memo or a cover
9 letter attached to this document when you saw it?

10 A No, not that I can recall.

11 Q Do you recall that there was discussion at this
12 meeting regarding what sanction, if any, to impose
13 upon Boston Harley-Davidson?

14 MR. BERKOWITZ: You can answer that yes or
15 no or you don't know.

16 THE WITNESS: Yes.

17 BY MR. REHNQUIST:

18 Q What do you recall of that discussion?

19 MR. BERKOWITZ: Okay. At this point I'm
20 going to jump in and instruct you not to -- not to
21 answer the question to the extent that your answer
22 may reveal communications with Jennie Kent, as
23 counsel for the company, either by members of that
24 meeting to Ms. Kent or comments that Ms. Kent may
25 have made to others.

Deposition of Gene Ostrom, 5/25/2005

1 If you can answer the question apart
2 from any such communications, that's fine. You can
3 go ahead and do so.

4 THE WITNESS: I cannot.

5 MR. BERKOWITZ: All right.

6 BY MR. REHNQUIST:

7 Q Well, let me try one just to button it up. Do you
8 recall asking Mr. Verduyn any questions in this
9 meeting regarding Exhibit 68?

10 MR. BERKOWITZ: You can answer that.

11 THE WITNESS: Yes.

12 BY MR. REHNQUIST:

13 Q What questions do you recall asking him?

14 A The confidence in his work when he reviewed these
15 particular files, the dealership.

16 Q And do you recall in any more precision the words
17 that you used when you asked him this question?

18 A No. I can't recall.

19 Q Do I understand correctly that you asked him in words
20 or substance what level of confidence he had in his
21 analysis?

22 A My question was around his confidence that what was
23 showing here was accurate from his investigation at
24 the dealership.

25 Q Do you recall if anyone else asked Mr. Verduyn

EXHIBIT 40

Videotape
Deposition of Michael G. Malicki, 4/7/2005

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 -----
4 CYCLE-CRAFT CO., INC., d/b/a
5 BOSTON HARLEY-DAVIDSON/BUELL,

6 Plaintiff,

7 vs. Civil Action No. 04 11402 NMG

8 HARLEY-DAVIDSON MOTOR COMPANY, INC.
9 and BUELL DISTRIBUTION COMPANY, LLC,

10 Defendants.
11 -----

12 Video Deposition of MICHAEL G. MALICKI

13 Thursday, April 7th, 2005

14 10:48 a.m.

15 at

16 GRAMANN REPORTING, LTD.
17 710 North Plankinton Avenue, Suite 710
18 Milwaukee, Wisconsin

19
20 Reported by Sarah A. Reinicke, RPR/RMR/CRR
21 Roseanne E. Pezze, RPR/CRR
22
23
24
25

Videotape
Deposition of Michael G. Malicki, 4/7/2005

1 which is not to disclose any communication with Jenny
2 Kent or any communication by Ms. Kent or any
3 communication with her relating in any way to any
4 request for legal advice. Apart from that
5 instruction, you can testify in response to
6 Mr. Rehnquist's questions. Do you understand?

7 THE WITNESS: I understand, and
8 Mr. Rehnquist, could you please repeat the question.

9 BY MR. REHNQUIST:

10 Q Yeah. Was there discussion at this meeting about
11 what sanction to impose upon Boston Harley-Davidson?

12 A Yes.

13 Q And did counsel participate in that discussion to the
14 best of your memory?

15 MR. BERKOWITZ: You can answer that yes or
16 no.

17 THE WITNESS: Yes.

18 MR. REHNQUIST: Mr. Berkowitz, if I ask any
19 further questions about the content of that
20 discussion, are you going to instruct the witness not
21 to answer?

22 MR. BERKOWITZ: I will.

23 BY MR. REHNQUIST:

24 Q Mr. Malicki, this is Exhibit 24. I'll show you 25 at
25 the same time. Exhibit 24 and 25 are two letters